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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,518	07/12/2002	Joe F. Zhou	42390.P9657	2646

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EXAMINER

NGUYEN, CINDY

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 06/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,518

Applicant(s)

ZHOU ET AL.

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to application filed on December 12, 2001 in which claims 1-30 are presented for examination.

1. Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

2. Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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There is no header "Brief Summary of the Invention". Correction is required.

The specification retains objected to because no header, "Brief summary of the invention" has been provided. Even though a heading is not required, it nonetheless helps structure the disclosure so as to become easier to read. As such header is necessary to make the disclosure easier to read.

3. *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter.

Claims 1-30 are rejected under 35 U.S.C. 101 because the claims are not useful in technical art therefore they are non statutory and also they have non-function description material and function relationship. This differs, for instance, from a computer implemented method.

4. *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-5, 8 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowen et al. (U.S 6094649) (Bowen).

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Regarding claims 1 and 22, Bowen discloses: A method and a machine readable medium that provides instructions comprising:

receiving a search term for a query (322, fig. 3 and corresponding text, Bowen);

searching a network of concept terms for terms related to the search term (col. 11, lines 52 to col. 12, lines 8, Bowen);

reformulating the query using the search term and the related terms (324, fig. 3 and corresponding text);

searching a local database (sale database) for data terms that match the search term and the related terms, wherein the data terms are from documents residing on websites located on servers across a network (col. 8, lines 19-30, Bowen); and

retrieving the documents from the websites whose data terms match the search term and the related terms (col. 11, lines 52 to col. 12, lines 29 and 328, fig. 3, Bowen).

Regarding claims 2 and 23, all the limitations of these claims have been noted in the rejection of claims 1 and 22 above, respectively. In addition, Bowen discloses: further comprising displaying the retrieved documents, the search terms and the related terms (col. 12, lines 29-41, Bowen).

Regarding claims 3 and 24, all the limitations of these claims have been noted in the rejection of claims 1 and 22 above, respectively. In addition, Bowen discloses: further comprising generating a summary of the documents for the searched terms that match the search term and the related terms (col. 12, lines 29-34, Bowen).

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Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 3. In addition, Bowen discloses: wherein the summary includes the searched terms and a beginning portion of the documents (col. 11, lines 52-64, Bowen).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Bowen discloses: wherein the network is the Internet (col. 7, lines 20-29, Bowen).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Bowen discloses: wherein related terms are more specific than the search term (col. 12, lines 48 to col. 13, lines 13, Bowen).

6. *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 7, 9, 19-21, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al. (U.S 6094649) (Bowen) in view of Braden-Harder et al. (U.S 5933822) (Braden).

Regarding claims 6 and 25, all the limitations of these claims have been noted in the rejection of claims 1 and 22 above, respectively. However, Bowen didn't disclose: wherein the network of concept terms includes links between related terms, wherein the links are based on semantic relationship. On the other hand, Braden discloses: wherein the network of concept terms includes links between related terms, wherein the links are based on semantic relationship

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(col. 11, lines 41-60, Braden). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include links between related terms, wherein the links are based on semantic relationship in the system of Bowen as taught by Braden. The motivation being to provide a logical form in a method which is a directed acrylic graph in which words representing text of any arbitrary size are linked by labeled relations, a logical form portrays semantic relationships between important words in a phrase, which may include hypernyms and/or synonyms thereof.

Regarding claim 19, Bowen/Braden discloses an apparatus comprising: a database that includes data terms, wherein the data terms are from documents residing on websites located on servers across a network (col. 8, lines 19-30, Bowen); a concept network that: includes search terms and related terms that are linked together based on semantic relationships (col. 11, lines 41-60, Braden), the search terms and the related terms to locate portions of the documents based on a match between the searchable term, and the related terms and the data terms stored in the database (col. 11, lines 52 to col. 12, lines 28, Bowen).

Regarding claims 7, 20 and 26, all the limitations of these claims have been noted in the rejection of claims 1, 19 and 22 above, respectively. In addition, Bowen/Braden discloses: wherein the semantic relationships are selected from a group consisting of canonical (logical form), synonym, hyponym, hypernym, part (col. 11, lines 41-51, Braden), product and member (col. 8, lines 19-30, Bowen).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Bowen/Braden discloses: wherein different emphasis is placed on the related terms (col. 7, lines 35 to col. 8, lines 6, Braden).

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Regarding claim 21, all the limitations of this claim have been noted in the rejection of claims 19 and 8 above. It is therefore rejected as set forth above.

8. Claims 10, 13, 14, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al. (U.S 6094649) (Bowen) in view of Kitain et al. (U.S 5864871) (Kitain).

Regarding claims 10 and 27, all the limitations of these claims have been noted in the rejection of claims 1, 2. It is therefore rejected as set forth above. In addition, Bowen discloses: displaying results of the searching of the local database (col. 12, lines 29-41, Bowen). However Bowen didn't disclose: recursively performing the following process until desired document are found. On the other hand, Kitain discloses: recursively performing the following process until desired document are found. Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for recursively performing the following process until desired document are found in the system of Bowen as taught by Kitain. The motivation being to provide a method for satisfying a text matching query, the CGI will attempt to use an full text database server. Again if that server is not available, then its backup will be tried, and so on, until either a server can satisfy the query (col. 16, lines 29-47, Kitain).

Regarding claims 13 and 30, all the limitations of these claims have been noted in the rejection of claims 10 and 27 above, respectively. In addition, Bowen/Kitain discloses: wherein reformulating the new query includes combining the new search term and the new related terms together using search operators (col. 11, lines 52 to col. 12, lines 8, Bowen).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Bowen/Kitain discloses: wherein the search operators are selected from the group consisting of AND, OR, NOT and NEAR (col. 11, lines 52 to col. 12, lines 8, Bowen).

9. Claims 11, 12, 15-18, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al. (U.S 6094649) (Bowen) in view of Braden-Harder et al. (U.S 5933822) (Braden) and further in view of Bowman et al. (U.S 6006225).

Regarding claims 11 and 28, all the limitations of these claims have been noted in the rejection of claims 10 and 27 above, respectively. However, Bowen/Kitain didn't disclose: wherein receiving the search term for the query includes receiving the search term for the query based on the displaying of the search term and the related items in a prior process (col. 2, lines 28-46, Bowman). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for the new search term is a related term from a prior search of the network of concept terms in the combination system of Bowen/Kitain as taught by Bowman. The motivation being to provide a method for generating and displaying a query term correlation data tat is based on historical query submissions to the search engine (col. 2, lines 28-46, Bowman).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claims 1, 10. It is therefore rejected as set forth above. In addition, Bowen/Kitain/Bowman discloses: receiving a new search term for a new query based on the display of the results, the search term and the related terms (col. 2, lines 28-46, Bowman); searching network of concept terms for new terms related to the new search term (col. 11, lines 52 to col. 12, lines 8, Bowen).

Regarding claims 12, 16 and 29, all the limitations of these claims have been noted in the rejection of claims 10, 15 and 27 above, respectively. In addition, Bowen/Kitain/Bowman discloses: wherein the new search term is a related term from a prior search of the network of concept terms (col. 6, lines 40-49, Bowman).

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Regarding claim 17, all the limitations of this claim have been noted in the rejection of claims 15 and 13 above. It is therefore rejected as set forth above.

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claims 17 and 14 above. It is therefore rejected as set forth above.

10. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN
Cindy Nguyen
June 8, 2004

Wayne
WAYNE AMSBURY
PRIMARY PATENT EXAMINER